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[Additional Counsel Listed on Signature Page]

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

## SAN FRANCISCO DIVISION

# IN RE CAPACITORS ANTITRUST LITIGATION

**THIS DOCUMENT RELATES TO:**

## DIRECT PURCHASER ACTIONS

CASE NO. 3:14-cv-03264-JD

**MEMORANDUM OF SETTLING  
DEFENDANTS IN SUPPORT OF MOTION  
FOR FINAL APPROVAL OF  
SETTLEMENTS [DKT. NO. 1461]**

Hearing date: March 2, 2017  
Hearing time: 10:00 a.m.  
Location: Courtroom 11, 19th Floor

1 Defendants Fujitsu Limited, NEC Tokin Corporation, NEC Tokin America, Inc., Nitsuko  
 2 Electronics Corporation, Okaya Electric Industries Co., Ltd, and Okaya Electric America, Inc., (the  
 3 “Settling Defendants”) support the Direct Purchaser Plaintiffs’ Motion for Final Approval of  
 4 Proposed Settlements (Dkt. No. 1461) (“DPP Motion”).<sup>1</sup>

5 Settling Defendants write separately to inform the Court that they are addressing certain  
 6 issues with DPPs and hope to resolve them prior to the March 2, 2017 Final Approval Hearing.

7 *First*, Settling Defendants and DPPs are negotiating the content of the proposed final approval  
 8 order and proposed final judgments as to each Settling Defendant. Settling Defendants and DPPs  
 9 intend to file these proposals in advance of the Final Approval Hearing. The revised proposals will  
 10 supersede the previously-filed proposals (Dkt. Nos. 1461-7 through 1461-11 and 1469).

11 *Second*, the opt-out deadline was yesterday, and the Settling Defendants and DPPs are now  
 12 conferring regarding the composition of the Settlement Class. Settling Defendants and DPPs expect  
 13 that once the composition is known, the Settling Defendants will evaluate whether any termination  
 14 provision may be triggered. Settling Defendants will inform the Court prior to the Final Approval  
 15 Hearing whether any defendant intends to rescind its settlement with DPPs or will confirm that no  
 16 Settling Defendant intends to do so.

17  
 18 Dated: February 14, 2017  
 19

20 By: /s/ George A. Nicoud III  
 21 George A. Nicoud III

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<sup>1</sup> Settling Defendants have been unable to confirm that ROHM Company, Ltd., and ROHM Semiconductor U.S.A., LLC intend to join this filing.

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8 *Attorney for Defendant Fujitsu Limited*

9 Pursuant to Civil Local Rule 5.1(i)(3), I attest that all other signatories listed, and on whose  
10 behalf this filing is submitted, concur in the filing's content and have authorized the filing.

11 Dated: February 14, 2017

/s/ George A. Nicoud III

## **CERTIFICATE OF SERVICE**

I, Matthew Parrott, declare as follows:

I am employed in the County of Orange, State of California, I am over the age of eighteen years and am not a party to this action; my business address is 3161 Michelson Drive, Irvine, CA, 92618-4412, in said County and State. On February 14, 2017, I served the following document(s):

**MEMORANDUM OF SETTLING DEFENDANTS IN SUPPORT OF MOTION  
FOR FINAL APPROVAL OF SETTLEMENTS [DKT. NO. 1461]**

on the parties stated below, by the following means of service (NOTE: ALL OTHER PARTIES  
WERE SERVED VIA ELECTRONIC TRANSFER TO THE CM/ECF SYSTEM):

<u>VIA U.S. MAIL</u>	
<p>Elizabeth E. Collins            Collins &amp; Scanlon LLP            50 Public Sq.            Suite 3300            Cleveland, OH 44113            Ph: (216) 696-0022</p>	<p>Steven A. Reiss            Weil Gotshal &amp; Manges LLP            767 Fifth Avenue            New York, NY 10153-0119            Ph: (212) 310-8000</p>
<p>Kenji Kasahara            Representative Director of Toshin Kogyo Co.,            LTD            Tsukas Bldg. 2-15-4, Uchikanda            Chiyoda-Ku            Tokyo, Japan            Ph: (81) +3 3256-3781</p>	<p>Benjamin J. Eichel            Pepper Hamilton, LLP            3000 Two Logan Square            18th and Arch Streets            Philadelphia, PA 19103            Ph: (215) 981-4629</p>

**BY UNITED STATES MAIL:** I placed a true copy in a sealed envelope or package addressed to the persons as indicated above, on the above-mentioned date, and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this firm's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited with the U.S. Postal Service in the ordinary course of business in a sealed envelope with postage fully prepaid. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing set forth in this declaration.

I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Irvine, California.

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2  **BY ELECTRONIC TRANSFER TO THE CM/ECF SYSTEM:** On this date, I  
3 electronically uploaded a true and correct copy in Adobe “pdf” format the above-listed  
4 document(s) to the United States District Court’s Case Management and Electronic Case  
Filing (CM/ECF) system. After the electronic filing of a document, service is deemed  
complete upon receipt of the Notice of Electronic Filing (“NEF”) by the registered CM/ECF  
users.

5

6  I am employed in the office of George A. Nicoud III, a member of the bar of this court, and  
7 that the foregoing document(s) was(were) printed on recycled paper.

8

9  **(FEDERAL)** I declare under penalty of perjury that the foregoing is true and correct.

10 Executed on February 14, 2017.

11 /s/ Matthew Parrott

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